

GARRICK S. LEW (State Bar No. 61889)
Law Offices of Garrick S. Lew & Associates
600 Townsend Street, Suite 329E
San Francisco, CA 94103
Telephone: (415) 575-3588
Facsimile: (415) 522-1506
gsl@defendergroup.com

Attorney for Defendant CARMEN CHAN

MATTHEW A. SIROKA (State Bar No. 233050)
LAW OFFICES OF MATTHEW A. SIROKA
600 Townsend Street Suite 329E
San Francisco, California 94103
Telephone: 415.522.1105
Facsimile: 415.522.1506

Attorney for Defendant PAUL LEUNG

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR 07-0428 MMC
)	
Plaintiff,)	STIPULATION AND [PROPOSED] TRAVEL
)	ORDER
vs.)	
)	
CARMEN CHAN and PAUL LEUNG,)	
)	
Defendants.)	
_____)	

At the initial setting of the bond and Conditions of Pretrial Release in this matter, defendants PAUL LEUNG and CARMEN CHAN requested that they be permitted to travel internationally for business, family and pleasure as a condition of their release. Magistrate James Larson suggested that a stipulation be prepared by the parties setting forth the prospective travel dates and submitted to the court for approval. Defendants submitted the proposed travel itineraries to AUSA Denise Barton and the government objected to defendant Carman Chan's proposed travel request.

On August 14, 2007 by noticed motion Defendants PAUL LEUNG and CARMEN CHAN, husband and wife, sought court approval to travel to the locations listed below on the following dates:

Hong Kong from August 21, 2007 to September 4, 2007

Hong Kong from October 2, 2007 to October 18, 2007

Hong Kong from November 13, 2007 to November 30, 2007

Japan from December 10, 2007 to December 18, 2007

Hong Kong December 29, 2007 to January 21, 2008.

At the August 14, 2007 hearing Pretrial Services officer Betty Kim informed the court that Pretrial Services did not oppose the defendants request. The court was informed that each defendant had posted \$100,000 cash deposit with the clerk of the court as a condition of their pretrial release. The court approved defendants proposed travel schedule.

AUSA Denise Barton arrived late for the hearing due other court matters. The court met with counsel for both parties in chambers where the court heard and considered the government's objections regarding the requested travel.

The court then modified the initial travel order approving the first trip to Hong Kong from August 21, 2007 to September 4, 2007 and reserving judgment on the remaining proposed trips indicating that if the initial travel was completed without incident the court most likely would approve subsequent travel requests of the parties.

Defendants PAUL LEUNG and CARMEN CHAN successfully completed their travel to Hong Kong from August 21, 2007 to September 4, 2007 and returned without incident. Pretrial Services has been informed of their intention to return to Hong Kong from October 2, 2007 to October 18, 2007 and has no objection to defendants second travel request.

As such, the parties HEREBY STIPULATE that defendants be permitted to travel to Hong Kong October 2, 2007 to October 18, 2007.

SO STIPULATED.

DATED: September 24, 2007

/s/ Denise Marie Barton

/s/Garrick S. Lew

/s/Matthew A. Siroka

Counsel for the Government

Counsel for Defendant
Carmen Chan

Counsel for Defendant
Paul Leung

ORDER

1 Good cause appearing;

2 IT IS HEREBY ORDERED that defendants PAUL LEUNG and CARMEN CHAN, husband and
3 wife, be permitted to travel to Hong Kong from October 2, 2007 to October 18, 2007.

4 IT IS FURTHER ORDERED that the Clerk of the Court return the passports of PAUL LEUNG
5 and CARMEN CHAN to each defendant prior to the departure date of October 2, 2007 and that each
6 defendant redeposit their passports with the Clerk of the Court no later than October 22, 2007.

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8 DATED: September ²⁸____, 2007

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10 United States Magistrate Judge James Larson
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